

**UNITED STATES DISTRICT COURT  
District of Maine**

**GARY BROWN,**

**Plaintiff**

**v.**

**UNITED STATES OF AMERICA,**

**Defendant**

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**Civil No. 08-403-P-S  
Crim. No. 05-70-P-S**

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on June 8, 2009, her Recommended Decision (Docket No. 23). Plaintiff filed his Objection to the Recommended Decision (Docket No. 24) on June 29, 2009.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Plaintiff's 28 U.S.C. § 2255 Motion for Relief (Docket No. 2) is **DENIED**. It is also **ORDERED** that no certificate of appealability shall

issue in the event an appeal is filed because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

/s/George Z. Singal  
U.S. District Judge

Dated this 3<sup>rd</sup> day of August, 2009.